

* * § 362 INFORMATION SHEET * *

Edwin Guzman _____ 09-33030 _____
 DEBTOR Case No: _____ MOTION #:
 SAME _____ CHAPTER: 13 _____
 MOVANT _____

Certification of Attempt to Resolve the Matter Without Court Action:

Moving counsel hereby certifies that pursuant to the requirements of LR 4001(a)(3), an attempt has been made to resolve the matter without court action, but movant has been unable to do so.

Date: _____ Signature: _____

Attorney for Movant

PROPERTY INVOLVED IN THIS MOTION: Community Property

NOTICE SERVED ON: Debtor(s) ☐ ; Debtor's counsel ☐ ; Trustee ☒ ;

DATE OF SERVICE: After e-filed date

MOVING PARTY'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st Divorce action pending in State Court.

2nd _____

3rd _____

4th _____

Other: _____

Total Encumbrances: _____

APPRAISAL of OPINION as to VALUE:

Unknown

DEBTOR'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st Same

2nd _____

3rd _____

4th _____

Other: _____

Total Encumbrances: _____

APPRAISAL of OPINION as to VALUE:

**TERMS of MOVANT'S CONTRACT
with the DEBTOR(S)::**

Amount of Note: Divorce Action

Interest Rate: _____

Duration: _____

Payment per Month: _____

Date of Default: _____

Amount in Arrears: _____

Date of Notice of Default: _____

SPECIAL CIRCUMSTANCES:

Relief to proceed with Divorce and
discovery on community property. ☒

SUBMITTED BY: Gary S. Fink, Esq.

**DEBTOR'S OFFER of "ADEQUATE
PROTECTION" for MOVANT :**

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. .

SPECIAL CIRCUMSTANCES:

SUBMITTED BY: _____

SIGNATURE: _____

MOT

IHAB T. OMAR, ESQ.
 Nevada Bar No.: 9138
 6600 West Charleston Blvd., Suite 134
 Las Vegas, NV 89146
 (702) 834-7500 *tele*
 (702) 834-7505 *fax*
 Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT
 CLARK COUNTY NEVADA**

In Re: EDWIN E. GUZMAN)	
)	
)	Case No.: BK-09-33030-BAM
)	
Debtors,)	DATE: May 25, 2010
)	TIME: 1:30 p.m.
)	
)	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW, EDWIN GUZMAN, (hereinafter "Debtor") by and through his counsel of record, IHAB T. OMAR, ESQ., of the Law Offices of Ihab T. Omar, and moves this court pursuant to 11 U.S.C. §362 and states:

1. Debtors filed the instant Chapter 13, Case Number 09-33030 BAM on December 8, 2009.

2. Prior to filing the instant Bankruptcy the Debtor was involved in a State Court action for Divorce. The Divorce action is highly contested and there is currently a TPO against the Debtor. The State Court action has been stayed by the Bankruptcy.

3. There is community property involved in the Divorce action that the Chapter 13 Trustee is seeking valuation of the property. The property in question is a Salon jointly owned by the Debtor and his estranged wife. The Debtor has sought to have the business appraised but counsel for the estranged wife has refused to cooperate without order from the Court. To proceed with getting an order to value the Salon the Debtor is requesting relief from the stay.

4. In addition, the Debtor is seeking relief from stay to seek dissolution of the

1 marriage. The State Court may proceed in dissolving the marriage without making orders on
2 any property of the estate, leaving those issues to be decided at a more appropriate time.

3 LEGAL ARGUMENT

4 11 USC 362

5 (a) Except as provided in subsection (b) of this section, a petition filed under section 301,
6 302, or 303 of this title, or an application filed under section 5(a)(3) of the Securities Investor
7 Protection Act of 1970, operates as a stay, applicable to all entities, of--

8 ***

9 (3) any act to obtain possession of property of the estate or of property from the estate or to
10 exercise control over property of the estate;

11 ***

12 ***

13 (6) any act to collect, assess, or recover a claim against the debtor that arose before the
14 commencement of the case under this title;

15 In the present case the Chapter 13 trustee has requested a valuation of community
16 property. This can only be accomplished with limited relief from the automatic stay.
17 Additionally, the Debtor would like to get divorced prior to the end of his Bankruptcy. The
18 Debtor is current with his plan payments, however, his plan cannot get confirmed until the
19 Trustee receives a valuation of the community property.

20 Wherefore Debtor prays that this court:

21 5. Find that the automatic stay is lifted for the limited purpose of proceeding with
22 discovery in the State Court Divorce action;

23 6. Find the automatic stay is lifted to allow for the dissolution of the marriage;

24 7. Find that the automatic stay is still in force with regard to disbursement of any
25 property of the estate and that no order can be made disbursing property of the estate without
26 further order of this Court.; and

27 8. Such other relief the Court finds appropriate.
28

CONCLUSION

For the foregoing reasons, Debtor respectfully requests that Your Honor grant his motion for relief from the automatic stay.

Dated: 4/15/10

/s/Ihab T. Omar
IHAB T. OMAR, ESQ.
6600 West Charleston Blvd., Suite 134
Las Vegas, NV 89146
(702) 834-7500 *tele*
(702) 834-7505 *fax*
Attorney(s) for Debtors